

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DIONNA HARDIMAN and
DESIREE HARDIMAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIONNE LYNETTE HARDIMAN,

Respondent-Appellant,

and

ERIC BOOKER,

Respondent.

UNPUBLISHED

October 28, 2003

No. 247290

Kent Circuit Court

Family Division

LC No. 00-000641-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights. Respondent's challenge regards the trial court's previous decision exercising jurisdiction over the children. We affirm.

Petitioner sought custody of the children on the ground that respondent and the children suffered from psychiatric disorders and that the children were at risk in respondent's custody due to respondent's psychiatric disorders.

At an adjudication/disposition hearing, respondent's counsel stated to the court that respondent was willing to admit the allegations in the petition with one exception. Counsel further told the court that he had properly informed respondent of the possibility that her parental rights could be terminated. When questioned by the court about the nature of the admissions and whether respondent was admitting to the allegations voluntarily, respondent stated that she understood the nature of the proceedings and that she was admitting to the allegations voluntarily. Respondent's counsel indicated he was satisfied that respondent made the plea freely, voluntarily, and understandingly. On November 7, 2000, the trial court accepted the plea and made the children temporary wards of the state.

Following the plea, the trial court held a series of review hearings. Thereafter, the Family Independence Agency amended its petition seeking termination of respondent's parental rights. On December 23, 2002, the trial court held a permanent custody hearing and found that there was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g). The trial court concluded that there was no evidence that termination of respondent's parental rights was clearly not in the children's best interests.

Respondent thereafter brought this appeal claiming that the trial court lacked jurisdiction to terminate her rights because her plea of admitting the allegations in the petition did not comport with the requirements of MCR 5.971, now MCR 3.971.

A respondent in a parental rights termination proceeding cannot collaterally attack the trial court's exercise of jurisdiction in a subsequent appeal by right from the order terminating parental rights. *In re Hatcher*, 443 Mich 426, 439-444; 505 NW2d 834 (1993). An error at the jurisdictional stage must be raised in a direct appeal of that decision. MCR 5.993(A)(1), now MCR 3.993(A)(1). The trial court asserted jurisdiction over the children in a written order. Respondent may not now collaterally attack the trial court's exercise of jurisdiction in this appeal. *Hatcher, supra*, *In re Bechard*, 211 Mich App 155, 159-160; 535 NW2d 220 (1995). Therefore, this issue is not properly before us.

In any event, respondent does not challenge the trial court's findings that clear and convincing evidence existed to terminate her parental rights and that there was no evidence that termination of her parental rights was clearly not in the best interests of the children. We therefore find that respondent has not raised a proper issue on appeal.

Affirmed.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Stephen L. Borrello